

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
Harrisonburg Division

SAMUEL JOSEPH ORLANDO,	)	
	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.: 5:22-cv-62
	)	
SHERIFF DONALD L. SMITH, et al,	)	
	)	
<i>Defendants</i>	)	

**SMITH AND JENKINS'S MOTION FOR JUDGMENT ON THE PLEADINGS**

Defendants, Sheriff Donald L. Smith and Major Brian Jenkins, by counsel, file this Motion for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c). Defendants file a memorandum in support contemporaneously herewith.

WHEREFORE, Defendants Sheriff Donald L. Smith and Major Brian Jenkins respectfully request that this Court grant their Motion for Judgment on the Pleadings, that this case be dismissed, and that Defendants be granted such other and further relief as this Court finds appropriate.

SHERIFF DONALD L. SMITH  
and  
MAJOR BRIAN JENKINS,

By Counsel

By: /s/ Brittany E. Shipley  
Rosalie Pemberton Fessier  
VSB # 39030  
Brittany E. Shipley  
VSB # 93767

Attorneys for Defendants Smith and Jenkins  
Timberlake**Smith**  
25 North Central Avenue  
P. O. Box 108  
Staunton, VA 24402-0108  
phone: 540/885-1517  
fax: 540/885-4537  
email: [rfessier@timberlakesmith.com](mailto:rfessier@timberlakesmith.com)  
[bshipley@timberlakesmith.com](mailto:bshipley@timberlakesmith.com)

#### CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2025, I have electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Mario B. Williams, Esquire  
HDR LLC  
5600 Roswell Road, Suite 103  
Building C  
Sandy Springs, GA 30342  
*Counsel for Plaintiff*

/s/ Brittany E. Shipley  
Rosalie Pemberton Fessier  
VSB # 39030  
Brittany E. Shipley  
VSB # 93767  
Attorneys for Defendants Smith and Jenkins  
Timberlake**Smith**  
25 North Central Avenue  
P. O. Box 108  
Staunton, VA 24402-0108  
phone: 540/885-1517  
fax: 540/885-4537  
email: [rfessier@timberlakesmith.com](mailto:rfessier@timberlakesmith.com)  
[bshipley@timberlakesmith.com](mailto:bshipley@timberlakesmith.com)

Timberlake**Smith**  
Staunton, VA  
540.885.1517